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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Statement submitted by Colombian Commission of Jurists, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31 of 25 July 1996.

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Obstacles to the implementation of the Beijing Platform for Action and peacebuilding in Colombia

Ten years on from the Fourth World Conference on Women, the situation regarding the implementation of the Beijing Platform for Action in Colombia remains unsatisfactory. The situation of Colombian women is ever more precarious, particularly as regards poverty eradication, sexual and reproductive health, and access to decent and equal working conditions.[1] In 2003, the "*situation as regards women's rights, despite some legislative advances, continued to be marked by discrimination, inequality, exclusion, family and sexual violence, and the trafficking of persons*".[2]

This is exacerbated by the lack of concrete State action to prevent and eradicate discrimination and violence against women and by the promotion of policies that seriously affect their human rights. In specific terms, the "democratic security" policy, which affects rights such as the right to personal freedom and integrity, freedom of expression and freedom of movement, among others, affects men and women differently. Arbitrary detentions and police raids constitute an invasion of privacy, stepping up the risk of gender-based violence. In turn, food blockades by combatants — and even by the police — affect women in particular, as they have primary responsibility for feeding the family group. In addition, this policy ignores the principle of distinction between combatants and non-combatants as enshrined in international humanitarian law and thereby places civilians at risk. "*The Government's 'democratic security' strategy is determined more by security considerations than by a concern for democracy.*"[3] Against this backdrop, the commitments laid down in the Beijing Platform for Action seem to have no place in the current Government's agenda.

Socio-political violence, including that caused by the armed conflict, seriously affects women's human rights and exacerbates gender-based violence.[4] According to statistics contained in the United Nations Development Programme (UNDP) National Human Development Report 2003 for Colombia, the number of women killed for conflict-related reasons outside of combat increased by 20 per cent between 2000-2001 and 2001-2002. During this period, women accounted for 6 per cent of all deaths in and outside combat and forced disappearances, 10 per cent of tortures, 11 per cent of all landmine-related deaths and 18 per cent of kidnappings. Moreover, 17 per cent of the human rights defenders killed were women, as were 16 per cent of all trade unionists and 16 per cent of people from indigenous communities.[5]

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[1] Report on the implementation of the Beijing Platform for Action in Colombia, *Un paso adelante, dos atrás* (Bogotá, September 2004).

[2] Report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia (E/CN.4/2003/13 of 24 February 2003), para. 51.

[3] Report by Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on his mission to Colombia (E/CN.4/2004/18/Add.3 of 23 February 2004), para. 42.

[4] During 2003, more than one woman a day died because of socio-political violence. Of all the deaths recorded that year, 491 related to women. Of those, 442 were killed or "disappeared" for reasons not directly related to the armed conflict, i.e. in the home, street or workplace, and 315 were victims of political homicide or extrajudicial executions. Colombian Commission of Jurists, *En contravía de la recomendaciones internacionales* (Bogotá, December 2004), p.16.

[5] United Nations Development Programme (UNDP) — National Human Development Report 2003 for Colombia, *El conflicto, callejón con salida (Solutions to escape the conflict's impasse)*.

Forced displacement has become a problem of alarming dimensions. During 2003, approximately 207,607 people were forcibly displaced. This is in addition to the over 2 million people who have been displaced over the past seven years. The Government has tried to play down the situation by comparing the 2003 figures with those for 2002, which were even higher. This contrast is due in part to the fact that many people do not register because of threats or because they do not trust State care programmes, and monitoring systems therefore underreport the situation. "*Women, little girls and adolescents account for 50 per cent of the displaced population and little boys for perhaps another 25 per cent. For this significant group, leaving their homes means placing their lives and integrity at risk in 85 per cent of the national territory.*"[6]

Another factor hindering the implementation of the Platform for Action and agreements reached during Commission on the Status of Women (CSW) sessions[7] is that women are excluded from decision-making and negotiation processes with armed groups, owing to ignorance about the multifaceted relationship between women, violence and peace. "*Since this has traditionally been thought of as a man's issue, women and gender issues have, on the whole, been excluded from discussions about conflict and peace.*"[8] Women who have suffered at the hands of paramilitary groups have been excluded from the negotiations currently being held, on the Government's initiative, with such groups. In particular, "*none of the Government's proposals have recognized women and girls as victims of the conflict and no measures have been proposed or adopted to safeguard their rights, which have been massively and systematically violated. Neither have any mechanisms been adopted with a view to introducing special measures to protect raped or tortured women during existing judicial processes.*"[9] In addition, the Government, in consultation with paramilitaries, is pushing for legislation that will guarantee impunity for perpetrators of grave human rights violations.

Violence against women in the context of the armed conflict therefore takes second place in the negotiations with paramilitary groups, notwithstanding the right of victims of violence to truth, justice and redress. Moreover, during the negotiations, paramilitaries carried out attacks against women in blatant violation of the ceasefire agreement.

The Amnesty International report on violence against women in Colombia conveys the seriousness of the situation. According to the report, judicial authorities systematically allow sexual violence against women to go unpunished. In Colombia, the chances of victims of sexual violence having access to the courts and securing justice, once a complaint is lodged, are small.[10] Moreover, in the few cases in which

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[6] Report by the Consultancy for Human Rights and Displacement (CODHES) entitled *Condición de mujer. Situación de desplazamiento* (2004), p. 6.

[7] Agreed conclusions of the Commission on the Status of Women on women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peacebuilding (Forty-eighth session, March 2004).

[8] Report of the Conference organized by the Paz Urbana programme and the World Bank's Colombia Country Office entitled *Experiencias en América latina en género, conflicto y la construcción de la paz sostenible: un reto para Colombia* (2001), p. 16.

[9] Statement by the Federation of Spanish human rights NGOs at the United Nations Commission on Human Rights.

[10] Amnesty International, *Colombia. "Scarred bodies, hidden crimes": Sexual Violence against women in the armed conflict*, p. 24.

victims of sexual violence do decide to bring a complaint, the authorities often seek to dissuade them from doing so. Even if they persist, the case is unlikely to be fully and independently investigated. "*The prospect of a conviction is virtually zero, especially if the alleged perpetrator is a member of the security forces, the paramilitaries or the guerrilla. Every step of the process appears to be designed to block survivors' attempts to seek truth and justice.*"[11]

Conclusions

On the basis of the above and taking into account that:

- Women and girls in Colombia have become military targets and grave human rights violations are massively and systematically carried out against their persons, their bodies and their freedom;[12]
- One of the clearest expressions of the denial of gender justice is the failure to recognize women as special victims of the armed conflict. This denial is reflected in the absence of any public policy to combat impunity for offences committed against women;[13]
- The terms of the discussion in negotiations with paramilitaries have been reversed, as the benefits of demobilized combatants are deemed more important than the rights of victims. Not only are the victims, particularly women, excluded from the negotiations but a legal framework is being established that will promote impunity for violations of human rights and humanitarian law and favour the interests of paramilitary groups.

The Colombian State is ignoring its obligations under the American Convention on Human Rights, the Convention of Belém do Pará and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), among other treaties, with regard to the special protection of women. The State must take adequate and effective measures to protect women's rights, eradicate gender-based violence and revalidate and implement the agreements reached in the Beijing Platform for Action.

Colombian Commission of Jurists

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[11] *Ibid.*, p. 24.
[12] Federation of Spanish human rights NGOs, op. cit., p. 3.
[13] *Ibid.*, p. 3.